

AMENDED IN ASSEMBLY JUNE 21, 2006

AMENDED IN SENATE JANUARY 4, 2006

SENATE BILL

No. 988

Introduced by Senator Migden

February 22, 2005

~~An act to add Section 97 to, and to add and repeal Section 97.3 of, the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to streets and highways. An act to add Sections 97 and 97.1 to the Streets and Highways Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 988, as amended, Migden. ~~Safety Enhancement-Double Fine Awareness Zones: Golden Gate Bridge.~~

Existing law makes the Department of Transportation responsible for improving and maintaining the state highway system. Existing law does not provide for the designation of a specified segment of a highway as a ~~Safety Enhancement-Double Fine Awareness Zone~~.

This bill would, ~~until January 1, 2011,~~ designate the Golden Gate Bridge as a ~~Safety Enhancement-Double Fine Awareness Zone~~, upon approval of a resolution in that regard by the ~~Golden Gate Bridge, Highway and Transportation District. The~~ *satisfaction of specified requirements that the bill would also establish standards* for a designation of a highway ~~or road~~ segment as a ~~Safety Enhancement-Double Fine Zone~~ and require the Department of Transportation to prepare an evaluation of the effectiveness of each zone. The bill would impose an increased penalty for certain traffic violations committed in a ~~Safety Enhancement-Double Fine Zone Awareness Zone~~. *The bill would authorize a Safety Awareness Zone to*

be in effect for 3 years and would require the approval of the Director of Transportation and the Commissioner of the Department of the California Highway Patrol for a 3-year renewal of the Safety Awareness Zone. The bill would require the Department of Transportation to develop and place signs to notify motorists of the presence of a Safety Awareness Zone. The bill would enact related provisions applicable to the establishment of Safety Awareness Zones.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 97 is added to the Streets and Highways*
2 *Code, to read:*
3 *97. The following segments are eligible for designation as*
4 *Safety Awareness Zones pursuant to Section 97.1:*
5 *(a) The Golden Gate Bridge.*
6 *SEC. 2. Section 97.1 is added to the Streets and Highways*
7 *Code, to read:*
8 *97.1. (a) A state highway segment shall be designated as a*
9 *Safety Awareness Zone if the all the following conditions have*
10 *been met:*
11 *(1) The highway segment is eligible for designation under*
12 *Section 97.*
13 *(2) Each local governing body or bodies, with jurisdiction*
14 *over the area or areas in which the eligible segment is located,*
15 *has adopted a resolution indicating its support for the*
16 *designation as well as a Safety Awareness Zone Plan addressing*
17 *education, enforcement, and engineering measures intended to*
18 *support the designation.*
19 *(3) The Safety Awareness Zone Plan has been approved by the*
20 *Director of Transportation and the Commissioner of the*
21 *Department of the California Highway Patrol.*
22 *(b) A Safety Awareness Zone designation shall be deemed*
23 *effective immediately upon satisfaction of all requirements*
24 *pursuant to subdivision (a) and may remain in effect for a period*
25 *not to exceed three years from the effective date. The designation*
26 *may be renewed, for a period not to exceed three years, upon*
27 *approval by the Director of Transportation and the*

1 *Commissioner of the Department of the California Highway*
2 *Patrol of an updated Safety Awareness Zone Plan.*

3 *(c) The department shall develop a sign to notify motorists of*
4 *the presence of a Safety Awareness Zone, and shall place and*
5 *maintain the signs for as long as the designation is in effect*
6 *pursuant to this section.*

7 *(d) Presence of a Safety Awareness Zone does not increase the*
8 *civil liability of the state or local authority having jurisdiction*
9 *over the highway segment under Division 3.6 (commencing with*
10 *Section 810) of Title 1 of the Government Code or any other*
11 *provision of law relating to civil liability.*

12 *(e) Projects on a highway segment specified as a Safety*
13 *Awareness Zone shall not be elevated in priority for state funding*
14 *purposes.*

15 ~~SECTION 1. Section 97 is added to the Streets and Highways~~
16 ~~Code, to read:~~

17 ~~97. (a) In order to be designated by statute as a Safety~~
18 ~~Enhancement-Double Fine Zone, a highway or road segment~~
19 ~~shall have experienced a significant number of traffic accidents,~~
20 ~~injuries, and fatalities within the prior three-year period, and~~
21 ~~other traffic safety measures that have been undertaken shall~~
22 ~~have not appreciably reduced the level of those incidents.~~

23 ~~(b) The concurrence in the designation of the Department of~~
24 ~~the California Highway Patrol or local agency having traffic~~
25 ~~enforcement jurisdiction, as the case may be, shall be required~~
26 ~~prior to designation of the zone pursuant to statute, along with a~~
27 ~~resolution supporting the designation from the city, or county~~
28 ~~with respect to an unincorporated area, in which the segment is~~
29 ~~located.~~

30 ~~(c) Each local governing body where a Safety~~
31 ~~Enhancement-Double Fine Zone is designated by statute in its~~
32 ~~jurisdiction shall, prior to the establishment of the zone, do the~~
33 ~~following:~~

34 ~~(1) Undertake a public awareness campaign to inform the~~
35 ~~public of the Safety Enhancement-Double Fine Zone designation,~~
36 ~~where it is located, its purpose, and its consequences.~~

37 ~~(2) Where appropriate, increased traffic safety enhancements,~~
38 ~~enforcement, and other roadway safety measures shall be~~
39 ~~implemented in coordination with the establishment of the Safety~~
40 ~~Enhancement-Double Fine Zone.~~

~~(d) A Safety Enhancement-Double Fine Zone is subject to the rules and regulations adopted by the department prescribing uniform standards for warning signs to notify motorists that, pursuant to Section 42010 of the Vehicle Code, increased penalties apply for traffic violations that are committed within a Safety Enhancement-Double Fine Zone.~~

~~(e) The department or the local authority having jurisdiction over these highway and road segments shall place and maintain the warning signs identifying these segments by stating that a “Special Safety Zone Region Begins Here” and a “Special Safety Zone Ends Here.” The department shall adopt rules and regulations for the administration of a Safety Enhancement-Double Fine Zone under this section.~~

~~(f) Safety Enhancement-Double Fine Zones do not increase the civil liability of the state or local authority having jurisdiction over the highway segment under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code or any other provision of law relating to civil liability.~~

~~(1) Only the base fine shall be enhanced pursuant to this section.~~

~~(2) Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine imposed pursuant to this section.~~

~~(g) The highway or road segments specified as a Safety Enhancement-Double Fine Zone shall not be elevated in priority for state funding purposes.~~

~~(h) The term for a Safety Enhancement-Double Fine Zone shall be limited to four years.~~

~~(i) The Department of Transportation shall conduct an evaluation of the effectiveness of all Safety Enhancement-Double Fine Zones that will terminate the same calendar year and submit its findings in one report to the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing one year prior to the termination of the Safety Enhancement-Double Fine Zones. The report shall include a recommendation on whether the zones should be reauthorized by the Legislature.~~

1 ~~SEC. 2. Section 97.3 is added to the Streets and Highways~~
2 ~~Code, to read:~~

3 ~~97.3. (a) The 1.73-mile segment that is the Golden Gate~~
4 ~~Bridge shall be a Safety Enhancement-Double Fine Zone upon~~
5 ~~approval of a resolution in that regard by the Golden Gate~~
6 ~~Bridge, Highway and Transportation District. The district, in~~
7 ~~consultation with the department, shall assume all responsibilities~~
8 ~~that would otherwise accrue to the department for the~~
9 ~~administration of the Safety Enhancement-Double Fine Zone~~
10 ~~designated pursuant to this section.~~

11 ~~(b) This section shall remain in effect only until January 1,~~
12 ~~2011, and as of that date is repealed, unless a later enacted~~
13 ~~statute, that is enacted before January 1, 2011, deletes or extends~~
14 ~~that date.~~

15 ~~SEC. 3. Section 42010 is added to the Vehicle Code, to read:~~

16 ~~42010. (a) For any offense specified in subdivision (b) that is~~
17 ~~committed by the driver of a vehicle within an area that has been~~
18 ~~designated as a Safety Enhancement-Double Fine Zone pursuant~~
19 ~~to Section 97 and following of the Streets and Highways Code,~~
20 ~~the fine, in a misdemeanor case, shall be double the amount~~
21 ~~otherwise prescribed, and, in an infraction case, the fine shall be~~
22 ~~one category higher than the penalty otherwise prescribed by the~~
23 ~~uniform traffic penalty schedule established pursuant to Section~~
24 ~~40310.~~

25 ~~(b) A violation of any of the following provisions is an offense~~
26 ~~that is subject to subdivision (a):~~

27 ~~(1) Chapter 3 (commencing with Section 21650) of Division~~
28 ~~11, relating to driving, overtaking, and passing.~~

29 ~~(2) Chapter 7 (commencing with Section 22348) of Division~~
30 ~~11, relating to speed limits.~~

31 ~~(3) Section 23103, relating to reckless driving.~~

32 ~~(4) Section 23104, relating to reckless driving that results in~~
33 ~~bodily injury to another.~~

34 ~~(5) Section 23109, relating to speed contests.~~

35 ~~(6) Section 23152, relating to driving under the influence of~~
36 ~~alcohol or a controlled substance, or a violation of Section~~
37 ~~23103, as specified in Section 23103.5, relating to alcohol-related~~
38 ~~reckless driving.~~

1 ~~(7) Section 23153, relating to driving under the influence of~~
2 ~~alcohol or a controlled substance, which results in bodily injury~~
3 ~~to another.~~

4 ~~(8) Section 23220, relating to drinking while driving.~~

5 ~~(9) Section 23221, relating to drinking in a motor vehicle~~
6 ~~while on the highway.~~

7 ~~(10) Section 23222, relating to driving while possessing an~~
8 ~~open alcoholic beverage container.~~

9 ~~(11) Section 23223, relating to being in a vehicle on the~~
10 ~~highway while possessing an open alcoholic beverage container.~~

11 ~~(12) Section 23224, relating to being a driver or passenger~~
12 ~~under the age of 21 years possessing an open alcoholic beverage~~
13 ~~container.~~

14 ~~(13) Section 23225, relating to being the owner or driver of a~~
15 ~~vehicle in which there is an open alcoholic beverage container.~~

16 ~~(14) Section 23226, relating to being a passenger in a vehicle~~
17 ~~in which there is an open alcoholic beverage container.~~

18 ~~(e) This section applies only when traffic controls or warning~~
19 ~~signs have been placed pursuant to Section 97 of the Streets and~~
20 ~~Highways Code.~~

21 ~~(d) (1) Notwithstanding any other provision of law, the~~
22 ~~enhanced fine imposed pursuant to this section shall be based~~
23 ~~only on the base fine imposed for the underlying offense and~~
24 ~~shall not include any other enhancements imposed pursuant to~~
25 ~~law.~~

26 ~~(2) Notwithstanding any other provision of law, any additional~~
27 ~~penalty, forfeiture, or assessment imposed by any other statute~~
28 ~~shall be based on the amount of the base fine before enhancement~~
29 ~~or doubling and shall not be based on the amount of the enhanced~~
30 ~~fine imposed pursuant to this section.~~